

### **Remarks**

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Thus, in response to the rejection of claims 2, 4, 5, 8-19, 21-25 and 31 under the second paragraph of 35 U.S.C. §112, each of claims 2 and 29 has been amended to refer to the CH<sub>2</sub> of formula 1, rendering the rejection moot.

### **Substance of Interview**

On March 26, 2010, Applicants' attorney left a voicemail message for the Examiner discussing the provisional double patenting rejection set forth in the Office Action. Applicants' attorney noted that since the filing date of the present application is earlier than the filing date of Serial No. 10/591,162 applied by the Examiner in the double patenting rejection, this rejection should be withdrawn if it is the only rejection remaining in the application. Applicants' attorney referred to MPEP 804 I.B.1. in support of this position.

On the same day, the Examiner returned the call, leaving a voicemail message, indicating that he was quite familiar with this section of the MPEP, and confirming that if the current double-patenting rejection is the only rejection remaining in the present application, it will be withdrawn if no other rejections are raised and the Examiner agrees that the present application has an earlier filing date than the '162 application.

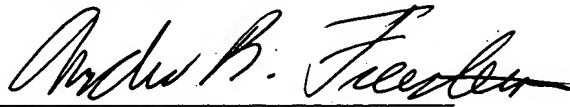
The provisional rejection of claims 2, 4, 5, 8-25 and 29-31 for obviousness-type double patenting as being unpatentable over claims 1-33 and 44-47 of Serial No. 10/591,162 is respectfully traversed.

The filing date of the present application is October 1, 2003, the filing date of the international application on which the present application is based. On the other hand, the filing date of the '162 application is March 1, 2005, the filing date of the international application on which the '162 application is based. Thus, since the present application has an earlier filing date, and since the only other rejection set forth in the Office Action has been overcome as indicated above, the Examiner should withdraw the double patenting rejection in the present application, as indicated in the above-mentioned section of MPEP 804.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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